

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

MARK R. FINLEY,

Appellant

v.

STATE OF MISSOURI.

Respondent

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DOCKET NUMBER WD71234

DATE: July 13, 2010

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable Edith L. Messina, Judge

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Appellate Judges:

Division Four: Thomas H. Newton, C.J., James Edward Welsh, and Karen King Mitchell, JJ.

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Attorneys:

Frederick J. Ernst, Kansas City, MO

Counsel for Appellant

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Attorneys:

John W. Grantham, Jefferson City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**MARK R. FINLEY, Appellant, v.  
STATE OF MISSOURI, Respondent**

WD71234

Jackson County

Before Division Four Judges: Thomas H. Newton, C.J., James Edward Welsh, and Karen King Mitchell, JJ.

Mark R. Finley appeals from the circuit court's judgment denying his Rule 24.035 postconviction relief motion without an evidentiary hearing. Finley asserts that the circuit court erred in accepting his guilty plea to the charges of attempted forcible rape, armed criminal action, and burglary in the first degree because no factual bases existed for the plea.

**AFFIRMED.**

**Division Four holds:**

A sufficient factual basis existed to support Finley's guilty plea to attempted forcible rape. The indictment, containing all of the elements of attempted forcible rape, was read to Finley; he stated in his own words that he entered the victim's home at night without her permission, lay on top of her, placed a knife to her throat, and attempted to rape her; the victim reported that Finley repeatedly instructed her to kiss him while he lay on top of her; and Finley admitted that he was guilty. Finley's claim that he did not understand the meaning of "rape," which is a commonly known layman's term, and that his plea was therefore not made knowingly is belied by the record and common sense.

Because there was a sufficient factual basis to support his plea to the attempted forcible rape count, his claim as to the sufficiency of the factual bases to support the armed criminal action and first-degree burglary counts, which is predicated upon the attempted forcible rape count, is without merit.

**Opinion by: James Edward Welsh, Judge**

July 13, 2010

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